

DOCUMENT RESUME

ED 265 717

EC 181 707

TITLE Implementation of Public Law 94-142 as It Relates to Handicapped Delinquents in the District of Columbia. Report to the Ranking Minority Member, Committee on the District of Columbia, House of Representatives.

INSTITUTION General Accounting Office, Washington, D.C.

REPORT NO GAO/GGD-86-4

PUB DATE 17 Oct 85

NOTE 53p.

AVAILABLE FROM U.S. General Accounting Office, Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, MD 20877 (first five copies free, \$3.25 additional copies).

PUB TYPE Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC03 Plus Postage.

DESCRIPTORS *Delinquency; Emotional Disturbances; *Equal Education; *Individualized Education Programs; *Juvenile Courts; Learning Disabilities; Program Evaluation; Secondary Education; Services; Special Education

IDENTIFIERS *District of Columbia

ABSTRACT

The report describes an audit by the General Accounting Office (GAO) of services provided under P.L. 94-142, the Education for All Handicapped Children Act, to learning disabled, delinquent, or seriously emotionally disturbed juveniles within the District of Columbia. The movement of a juvenile through the District's Juvenile Justice System is reviewed, followed by a discussion of GAO's data collection on 454 juveniles (173 handicapped and 281 nonhandicapped). Among major study findings considered are that many handicapped delinquents do not receive opportunities for special education, 73% of the individualized education programs do not meet all P.L. 94-142 requirements, and most handicapped delinquents in Youth Services Administration custody do not receive special education. Additional problems were found regarding teacher certification, testing issues, and public schools' monitoring. Recommendations are offered regarding actions by the Board of Education, the Mayor, the D.C. Superior Court, and the Secretary of the U.S. Department of Education. (CL)

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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-217534

The Honorable Stewart B. McKinney
Ranking Minority Member
Committee on the District of Columbia
House of Representatives

Dear Mr. McKinney:

As requested in your April 25, 1984, letter and our subsequent discussions with your office, we reviewed the District of Columbia's implementation of the Education for All Handicapped Children Act of 1975 (Public Law 94-142) as it pertains to learning disabled and emotionally disturbed juvenile delinquents.

Public Law 94-142 requires that all handicapped children be identified and receive free appropriate public education and related services to meet their unique needs. The act specifies that the education and services required for each handicapped child be delineated in an Individualized Education Program. In the District, most handicapped children have primary contact with the D.C. Public Schools. Handicapped delinquents, as they move through the District's juvenile justice system, can have contact with the D.C. Superior Court and the Department of Human Services' Youth Services Administration. At the federal level, the U.S. Department of Education has oversight responsibility for the implementation of this act.

We found that many handicapped delinquents in the District have not been afforded opportunities for special education. Over half had information in their records indicating a handicapping condition, but no subsequent action was taken by the District to provide appropriate evaluation and education. Secondly, when an Individualized Education Program was developed for a juvenile, the Program often did not contain all the required information. Finally, handicapped delinquents at District residential facilities, whether they had individualized programs or not, did not receive special education because these facilities did not offer such services. The reason for these problems is fundamental: the District has not implemented an effective system to ensure compliance with Public Law 94-142 as it relates to handicapped delinquents. The current system of coordination, information exchange, and program monitoring needs improvement.

Our detailed findings and recommendations were presented to you and other members of the Subcommittee on Fiscal Affairs and Health, House Committee on the District of Columbia, on September 10, 1985. A copy of our testimony is incorporated into this document as our final report in response to your April 25, 1984, request.

This report is based on data we collected from District juvenile delinquent case files at the Superior Court, Department of Human Services, and the Public Schools. We reviewed files through April 1985 for a random sample of juveniles who were found guilty or who received a consent decree from the D.C. Superior Court in calendar year 1983--the most recent year for complete Court data. We also interviewed numerous officials from these agencies, as well as officials from the U.S. Department of Education, private residential facilities under District contract, advocacy groups, and local jurisdictions adjacent to the District. Finally, we reviewed Federal regulations and District policies in providing education to handicapped delinquents. The scope and methodology for this study are explained in detail beginning on page 48. Our work was done in accordance with generally accepted government auditing standards between August 1984 and August 1985.

As agreed with your office, we did not obtain written comments from the District or the U.S. Department of Education. However, prior to the September 10, 1985, hearing, we did discuss our findings, conclusions, and recommendations with District officials of the Mayor's Office, Department of Human Services, Board of Education, and Superior Court. We also discussed this report with officials from the U.S. Department of Education. The officials generally concurred with our recommendations and, in some instances, reported that corrective action was underway. Our specific recommendations begin on page 39.

As arranged with your office, we are sending copies of this report to the Mayor of the District of Columbia, the President of the D.C. Board of Education, the Chief Judge of the D.C. Superior Court, and the Secretary of the U.S. Department of Education.

Sincerely yours,

W. J. Anderson

William J. Anderson
Director

UNITED STATES GENERAL ACCOUNTING OFFICE
Washington, D.C. 20548

FOR RELEASE ON DELIVERY
Expected at 9:00a.m.
Tuesday, September 10, 1985

STATEMENT OF
GENE L. DODARO
ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION
AND
ANTHONY N. SALVEMINI
SENIOR EVALUATOR, WASHINGTON REGIONAL OFFICE
BEFORE THE
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH
COMMITTEE ON THE DISTRICT OF COLUMBIA
HOUSE OF REPRESENTATIVES
ON
IMPLEMENTATION OF P.L. 94-142 AS IT
RELATES TO HANDICAPPED DELINQUENTS IN THE
DISTRICT OF COLUMBIA

Mr. Chairman and Members of the Subcommittee:

Good morning, I am Gene Dodaro, Associate Director responsible for GAO work in the District of Columbia. With me is Anthony Salvemini, who directed our work concerning the identification and education of handicapped delinquents in the District. For the purpose of this audit, handicapped juveniles are those who have a specific learning disability or who are seriously emotionally disturbed. Our work was requested by Representative Stewart B. McKinney, who was concerned that D.C. handicapped delinquents were not receiving needed services, as required by the Education For All Handicapped Children Act of 1975 (P.L. 94-142).

The act, commonly known as Public Law 94-142, provides supplemental federal funding to states, territories, and the District of Columbia to provide a free appropriate public education to all handicapped children. As of April 19, 1985, the District was entitled under this law to \$257 for each eligible handicapped child up to a maximum of 12 percent of the school population. For fiscal year 1985 the District expects to expend about \$34 million from all sources to educate handicapped juveniles; \$3.8 million will come from federal programs for this effort.

As a condition for receiving assistance under P.L. 94-142, the District must provide assurances that all children suspected of having a handicapping condition will be identified, evaluated and, if necessary, provided special education and related services, such as psychological counseling. Before services can be provided, an Individualized Education Program is developed to meet the child's unique needs.

To receive funds under the act, the D.C. Board of Education, as the State Educational Agency, must submit a program plan to the U.S. Department of Education, which is ultimately responsible for implementation of P.L. 94-142. The plan delineates how the Board will implement the legal requirements of P.L. 94-142 and ensure that all handicapped children are educated. Under the Board's direction, the D.C. Public Schools evaluate school children suspected or identified as having a handicap and provide them with special education.

For most handicapped children, primary contact is with the D.C. Public Schools; handicapped delinquents, however, also can have contact with two other District entities, as they move through the city's juvenile justice system:

-- The D.C. Superior Court, which determines if alleged delinquents are involved in an illegal act and operates a probation program.

-- The Department of Human Services, Youth Services Administration, which provides supervisory and educational services to delinquents and operates the District's residential facilities. These facilities house juveniles awaiting hearings and those serving their terms of commitment.

I think it is very important that we spend a moment describing the type of juvenile we have focused on. We are talking about juveniles who are typically 10-18 years old, most of whom have been arrested for more than one crime. Fifty-eight percent have been found to be involved in an illegal act more than once. The most common crimes were burglary, robbery, and assault. These juveniles' problems are compounded by handicapping conditions.

Handicapped delinquents tend to be younger, and arrested more often than non-handicapped delinquents. I would like to describe one handicapped delinquent's history to illustrate this point. At the time of his latest disposition in 1983, this delinquent was 13 years old, and had been arrested 6 times. As a result of testing, this delinquent had been identified as both learning disabled and emotionally disturbed, and his file indicated problems such as underachievement, depression, and violent behavior.

With this background, we found that many handicapped delinquents in the District have not been afforded opportunities for special education. Over half had information in their records indicating a handicapping condition, but no subsequent action was taken. Secondly, when a juvenile had an Individualized Education Program (IEP) developed it often did not contain all the required information. Also, handicapped delinquents at District residential facilities, whether they had individualized programs or not, did not receive special education because these facilities had no such services.

The reason for these problems is fundamental -- the District has not implemented an effective system to ensure compliance with P.L. 94-142 as it relates to handicapped delinquents. The current system of coordination, information exchange, and program monitoring needs improvement.

Solving these problems will not be easy, and overnight solutions will not be forthcoming. Such problems have existed for quite some time. In certain

instances, plans to address these issues were prepared but never approved or implemented. We recognize that certain inherent problems face District officials as they try to meet the challenge of identifying and educating handicapped delinquents.

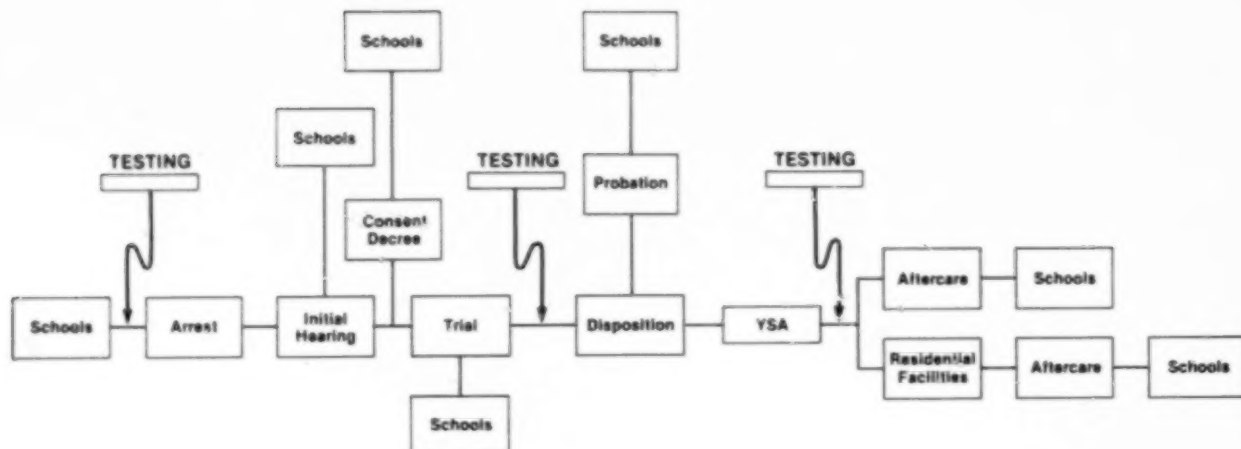
One of the most challenging problems is ensuring that the various independent entities work well together. Our work was limited to the District, but U.S. Department of Education representatives and others have indicated that educating handicapped delinquents is a national issue and coordinating activities of the various entities providing program services is a problem in other states. In the District, both the Mayor and the Board of Education are vested with authority over their respective educational programs. Both entities also interface with the D.C. Superior Court. Although the Board of Education is the central point of responsibility and accountability in the education of handicapped delinquents, a well functioning system can only exist if all parties place a premium on cooperation and coordination.

The District needs to improve its system for providing services to handicapped delinquents. The D.C. Schools, Department of Human Services, and the Court must work together to adopt needed changes. These agencies, along with the U.S. Department of Education, also should ensure that such reforms are successfully implemented and maintained. These delinquents are children and teenagers today, but tomorrow they will be adults. The faster the District can improve its education of handicapped delinquents, the sooner everyone will benefit.

Mr. Salvemini will now discuss the results of our study in more detail and provide our suggestions for corrective action. These suggestions have been discussed with District officials who generally concurred and, in some instances, have already started to take corrective action.

Mr. Chairman, I am pleased to be here today to discuss our study. I will describe how a juvenile moves through the juvenile justice system and illustrate how the three District entities may interact with a juvenile. I will then briefly explain the data base used in our review. Third, I will elaborate on the issues which Mr. Dodaro has just mentioned. Finally, I will close my remarks with the recommendations we believe can help solve some of the problems we noted.

SIMPLIFIED FLOW OF A JUVENILE THROUGH THE DISTRICT'S JUVENILE JUSTICE SYSTEM



- ☐ DISTRICT OF COLUMBIA PUBLIC SCHOOLS
- ☐ DISTRICT OF COLUMBIA SUPERIOR COURT
- ☐ DEPARTMENT OF HUMAN SERVICES,
YOUTH SERVICES ADMINISTRATION

Simplified Flow of a Juvenile Through the District's Juvenile Justice System

This chart illustrates the flow of a juvenile through the District's juvenile justice system and depicts the various places where testing for a handicapping condition may occur. Consider a hypothetical male juvenile, 15 years old, who is attending school. When the juvenile is arrested, he is taken directly to the Court for the initial hearing. If the Court is not in session, the juvenile is sent to the Youth Services Administration's (YSA) Receiving Home for Children, where a Court official decides whether to release him to his parent or guardian, or detain him until the initial hearing. This decision is based on such factors as: the juvenile's prior arrest record, his family situation, and/or the nature of his offense.

At the initial hearing a Court official decides whether to grant a consent decree, release or detain the juvenile until trial. A juvenile who is given a consent decree does not admit guilt, but is placed under Court supervision for a 6-month period and continues attending school. When ordered, detention is provided at a YSA facility.

If a juvenile goes to trial and is found guilty, a disposition hearing is held. At this time the delinquent may be placed on Court probation for direct supervision by a probation officer and would continue attending school. Alternatively, he may be committed to YSA, where he could be: (1) under direct supervision of a social worker and be required to attend school; (2) placed at a contracted residential facility; or (3) placed at a public residential facility, such as Oak Hill or Cedar Knoll. When the delinquent leaves a facility, he is supervised by a YSA social worker and attends school.

Testing of juveniles and identifying a handicapping condition may take place at any of several points in the system. First, the Public Schools may have tested and evaluated a juvenile for special education placement before arrest. Second, between adjudication and disposition, the Court may refer the delinquent for educational or psychological testing to aid the judge's decision. Third, YSA may perform such testing during the delinquent's term of commitment. While testing is performed by YSA and the Public Schools, each uses different standards for determining eligibility.

**GAO Data Based on Calendar
 Year 1983**

- Universe: 1,287 Juveniles
 - Cases reviewed: 454 Juveniles
 173 Handicapped
 281 Non-handicapped
 - Confidence level: 95% plus or minus 5%
-

Data Based on Calendar Year 1983

Our review included juveniles who received a consent decree or were found guilty by the D.C. Superior Court in calendar year 1983. We selected 1983 because it was the most recent year for which complete data were available. According to Court records, there were 1,287 different juveniles adjudicated that year.

The Court had no listing which indicated which of the 1,287 delinquents were handicapped, but we were able to identify 173 of these delinquents as handicapped by reviewing information provided by YSA or the Public Schools. We reviewed case files for all these delinquents. To determine if the remaining delinquents had a handicapping condition, we randomly selected a sample of 281 juveniles. We therefore reviewed case files and collected specific data for the 281 as well as the 173, or a total of 454 juveniles.

Our sample was selected using a statistical formula which considered the size of the universe, a 95 percent confidence level, and a 5 percent sampling error rate. The sampling process enabled us to be 95 percent confident in statistically projecting our results to the entire universe of 1,287 juvenile delinquents. Our sampling plan is described in more detail in the Appendix.

GAO Findings

- Many handicapped delinquents not afforded opportunities for special education
 - Individualized education programs do not meet all P.L. 94-142 requirements
 - Most handicapped delinquents in YSA custody do not receive special education
-

Findings

The major points that I will discuss with you today are:

-- Many handicapped delinquents are not afforded opportunities for special education.

-- Individualized Education Programs do not meet all P.L. 94-142 requirements.

-- Most handicapped delinquents in YSA custody do not receive special education.

Now I would like to give you further details about our findings.

**GAO 595 Delinquents Identified
as Handicapped**

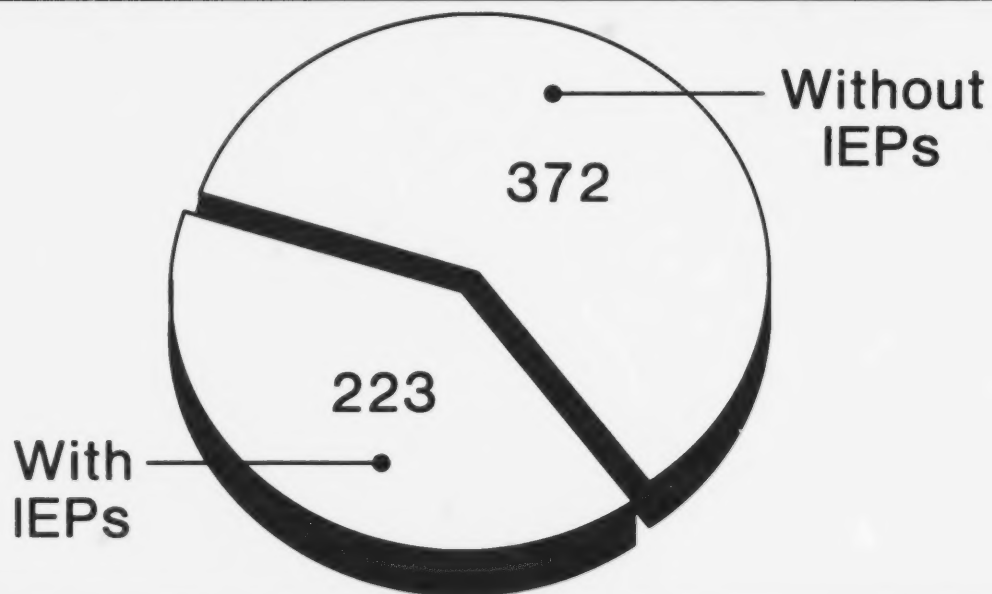
- Identified as a result of testing
by qualified professionals
 - GAO did not interpret
test results
-

595 Delinquents Identified
As Handicapped

In order to receive special education a juvenile must first be tested, diagnosed, and identified as handicapped. Based on our review, we project that 595, not 173, or approximately 46 percent, of the delinquents in 1983 had been identified as handicapped --having either a specific learning disability or a severe emotional disturbance.

We identified these delinquents by reviewing analytical reports of test results contained in the juveniles' files at the Court, YSA, and/or the Public Schools. We did not interpret the test results ourselves; rather, we relied on the analyses prepared by the testers. The testers include professionals from many disciplines, such as clinical psychologists, psychiatrists, and educational psychologists. These professionals are on the staffs of such facilities as the Court's Child Guidance Clinic, Cedar Knoll, and the Public Schools' Logan Child Study Center. The tests they administer include intelligence tests, psychological tests, auditory discrimination tests, and/or certain academic achievement tests. In 42 percent of the cases, there were indications from more than one source, or in more than one file, that the delinquent was learning disabled and/or emotionally disturbed. In none of these cases did we find indications of further assessments that these handicapping conditions did not exist.

**GAO 372 of 595 Handicapped
Delinquents Did Not Have IEPs**



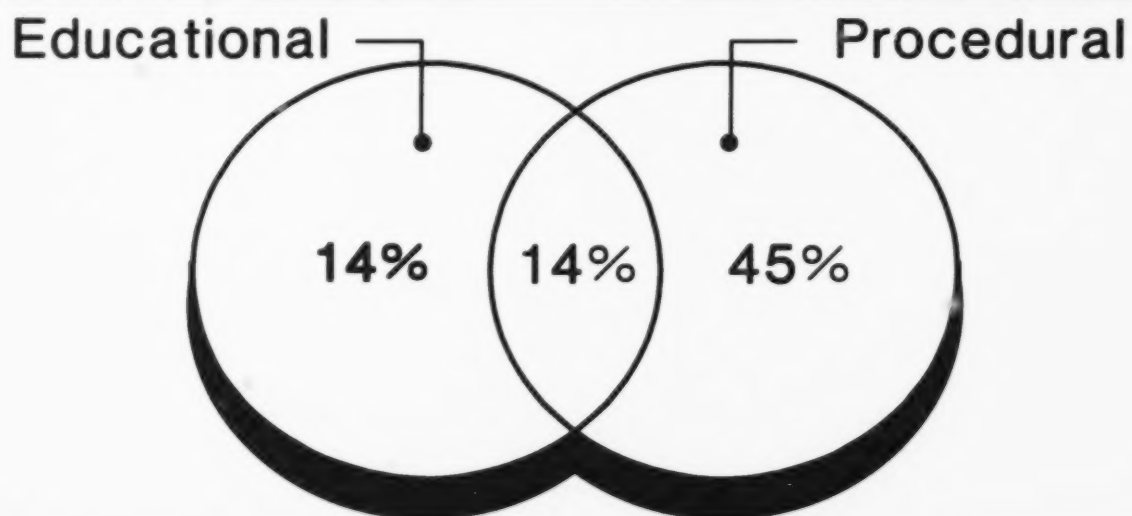
372 of 595 Handicapped
Delinquents Did Not Have IEPs

A juvenile who is identified as handicapped must have an Individualized Education Program (IEP) that delineates the specific services required to meet the juvenile's unique needs. According to the Department of Education Regulations and the District's State Plan, without an IEP, a juvenile cannot receive special education or related services, such as psychological counseling. We projected that about 63 percent, or 372, of the 595 handicapped delinquents, did not have an IEP. Conversely, 223, or about 37 percent, of the handicapped delinquents had IEPs.

In each of the following three examples, we found no IEP in the District's records, and no indication that the juvenile did not need an IEP:

- a 14-year-old juvenile found guilty of burglary, simple assault, and assault with a deadly weapon was identified as emotionally disturbed and learning disabled by both YSA and the Court. In addition, numerous entities including the Court's Child Guidance Clinic, St. Elizabeths Hospital, and the Cedar Knoll Diagnostic Review Team recommended the development of an IEP for this individual.
- another 14-year-old found guilty of burglary and placed in immediate Aftercare was identified by the Court as being learning disabled, emotionally disturbed, and having organic brain damage. YSA identified this juvenile as learning disabled and emotionally disturbed. Although the Public Schools did not test this juvenile, they had test results from Howard University Hospital and the Court identifying the juvenile as emotionally disturbed and learning disabled. The evaluation of this juvenile and development of an IEP was begun by the Public Schools, but the re-arrest and return of the juvenile to Oak Hill stopped the process.
- finally, a 13-year-old was found guilty of burglary and placed on probation, re-arrested and placed at Cedar Knoll. This juvenile was identified by YSA and the Public Schools as being learning disabled and by YSA as emotionally disturbed.

**GAO 73% of IEPs Not in Compliance
with Educational/Procedural
Requirements**



73 Percent of IEPs Not in Compliance With Educational and Procedural Requirements

Of the projected 223 IEPs developed by the Public Schools and YSA, about 73 percent did not meet all P.L. 94-142 requirements. In order to be in compliance, each IEP must contain certain educational components. In addition, the law requires that certain procedural requirements be met.

The educational components include: the individual juvenile's present educational level; annual goals and short term instructional objectives; specific services to be provided; timeframes for the initiation and duration of services; and, specific criteria for annually evaluating whether the instructional objectives are being achieved.

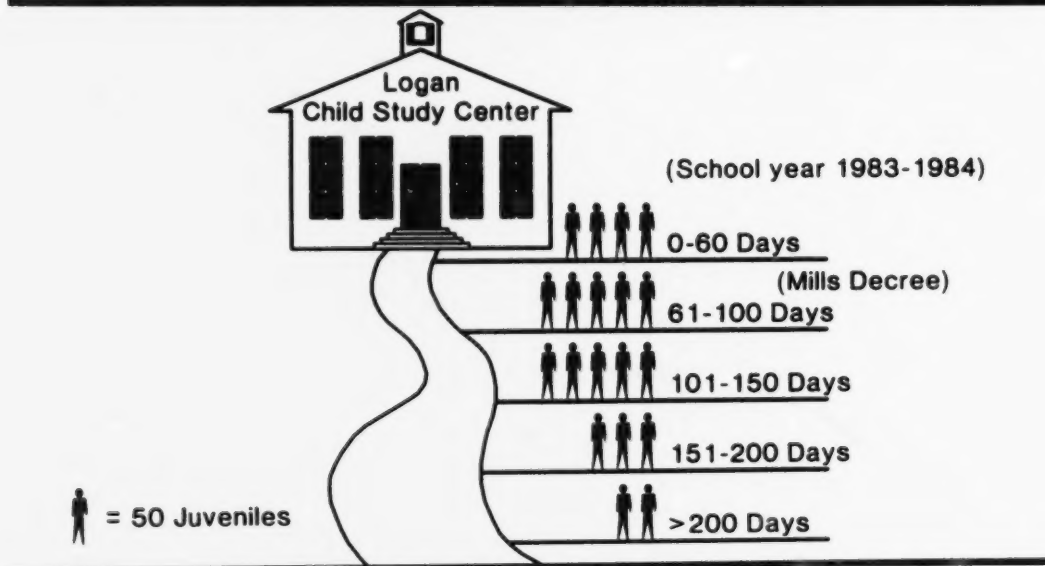
The omission from the IEP of any of the specific educational components means that criteria and benchmarks against which to monitor a juvenile's special education are lacking. Thus, the appropriateness of a juvenile's special education and his progress cannot be measured. Fourteen percent of the IEPs were missing the required educational components.

P.L. 94-142 and implementing Department of Education regulations also require that certain procedural requirements be met. These include requirements such as: the participation of certain individuals in the preparation of the IEP, annual review of the IEP, and the right to a hearing regarding the juvenile's placement. The regulations require that the juvenile's parent or guardian, teacher, a representative of the agency providing education, and the juvenile, where appropriate, participate in developing and revising the IEP. Forty-five percent of the IEPs were missing signatures or other evidence that a meeting was held and who attended it.

Furthermore, 14 percent met neither the educational nor procedural requirements.

In addition to our analysis of the files, District and Court officials gave us their opinions about problems with IEPs. Problems cited were that IEPs were not written to meet a juvenile's specific needs, or that IEPs were written to require only those services which the facility could provide, rather than to the juvenile's individual needs.

GAO **Elapsed Days for Assessment,
IEP Development, and Placement**



Elapsed Days for Assessment, IEP
Development, and Placement at
Logan Child Study Center
(School Year 1983-84)

The Logan Child Study Center is the Public Schools' central facility that performs assessments for juveniles suspected of being handicapped, develops IEPs, and arranges placement. The Center receives referrals from various sources, including the Public Schools' four administrative regions, and YSA. Juvenile delinquents committed to YSA custody who need assessment and IEP development may be referred to the Center.

The "Mills Decree" requires that assessment, IEP development, and placement of handicapped juveniles be completed within a maximum of 60 calendar days from the date of referral. The "Mills" requirement is the result of a 1972 U.S. District Court Case, Mills v. Board of Education of the District of Columbia. While the Public Schools requested relief from the Court in 1980, it has not been granted, and the 60-day requirement remains.

We analyzed the length of time it took the Center to complete cases for school year 1983-84, the most recent year for which complete data was available. That year, the Center handled 920 cases, but failed to meet the "Mills" requirement in 727, or approximately 79 percent of its caseload. The average number of days it took to place a juvenile in school year 1983-84 was 117. Of the cases that took longer than 60 days, most often it took the Center between 101 and 150 days. In addition, in 119 cases, or approximately 13 percent, it took more than 200 days to assess the juveniles, develop their IEPs, and place them.

The Center's Director gave us several reasons for the delay. First, cases referred by the Public Schools' four administrative regions often exceed the calendar day limit before they are referred to the Center. Second, a juvenile sometimes becomes hospitalized or otherwise unavailable to test or place, and third, there is a shortage of staff. Finally, most staff at the Center work under the Teachers Union contract and, therefore, work shortened hours in the summer and only 6-hour days during the school year. The effect is that hundreds of juveniles are not being educationally assessed and placed in the required timeframe.

**GAO No Special Education at
 YSA Facilities**

- Of the projected 595 handicapped delinquents:
 - 182 were placed at Oak Hill
 - 286 were placed at Cedar Knoll
 - 10 of 18 handicapped delinquents in contracted residential facilities did not receive special education
-

No Special Education at YSA Facilities

Three public facilities operated by YSA--Oak Hill, Cedar Knoll, and the Receiving Home for Children --do not provide special education to handicapped delinquents. Consequently, of the projected 595 handicapped delinquents, none of the 182 placed at Oak Hill or the 286 placed at Cedar Knoll at some time or another received special education. The average stay for a delinquent is nine months at Oak Hill and four months at Cedar Knoll. The maximum stay for a juvenile at the Receiving Home for Children is 45 days.

Oak Hill does not provide special education. Handicapped delinquents attend regular education classes. In addition, class formation is based on assignment to residential cottages, not on a delinquent's educational level. As a result, Oak Hill classes consist of delinquents who vary in age, ability, and behavior. Students in any one class read at levels ranging from the second to the eleventh grade.

The YSA Administrator told us Cedar Knoll did not provide special education and has been in the process of closing since 1983. The school at Cedar Knoll has been closed since July 1985, and delinquents are now bused to Oak Hill for summer school. In addition, the Receiving Home for Children did not provide special education. In fact, even regular education at the Receiving Home was limited. For example, education was not consistently provided between November 1984, and April 1985.

We also visited five contracted residential facilities where 18 handicapped delinquents in our sample were placed. At the time of our visit, ten handicapped delinquents at three of these facilities were not receiving special education. This is because the Board of Education does not ensure that handicapped delinquents placed in contracted residential facilities receive needed special education.

YSA is developing new programs to identify and educate handicapped delinquents at Oak Hill and the Receiving Home for Children. These programs will not be fully implemented until September 1985. However, we have the following observations to make about these programs:

-- First, we are concerned because YSA programs still would not meet Public School special education standards, such as teacher certification. The

Department of Education interprets P.L. 94-142 to require YSA teachers to meet D.C. Public School teacher certification standards.

-- Second, if YSA develops its own self-contained system at Oak Hill to test, identify handicapped delinquents, and prepare IEPs, they will likely be performing functions that are already being performed by the Public Schools for the majority of the handicapped juveniles in the District.

**GAO YSA Teachers Lack D.C.
 Certification**

- **Most Oak Hill and Cedar Knoll teachers were not certified to teach by the District of Columbia**
 - **None of the Oak Hill and Cedar Knoll teachers were certified to teach special education by the District of Columbia**
-

YSA Teachers Lack D.C. Certification

P.L. 94-142 requires educational programs for handicapped juveniles administered by other public agencies, such as YSA, to meet the education standards of the State Educational Agency (SEA). The District's SEA, the Board of Education, requires that the Public Schools' special education teachers be certified by the Board to teach special education. However, YSA policies do not require Board certification of its teachers. The U.S. Department of Education, in their monitoring report based on their 1983 review, found (1) that teachers in other District agencies did not meet the certification standards of the Public Schools, and (2) stated that the Public Schools must ensure that all Public School standards are met by other District agencies.

We found that, as of April 1, 1985, 10 of the 14 teachers at Oak Hill and Cedar Knoll were not certified by the D.C. Board of Education to teach any subject. In addition, none of the 14 teachers were certified by the Board to teach special education. In May 1985, ten of Cedar Knoll's education staff, including eight teachers, graduated from a local college's Masters of Special Education Extension Program. However, according to the Chief of the Education and Certification Branch of the Maryland Department of Education, this Program was never accredited.

GAO Testing Issues at YSA Facilities

- Public school standards for determining eligibility not being followed
 - YSA did not identify certain handicapped delinquents
 - Educational testing conducted by private contractor
-

Testing Issues at YSA Facilities

In the past YSA personnel tested some of the delinquents committed to YSA facilities. YSA had no criteria for determining eligibility or standards for identifying handicapped delinquents and did not follow Public School's standards.

In a report on a 1985 monitoring visit Public Schools said that Oak Hill and Cedar Knoll had no criteria to determine which delinquents were handicapped and in need of special education. The report said that "evidence was found to indicate that 32 students were handicapped and in need of special education." However, Oak Hill had identified "only 17" of these individuals. In addition, in October 1984, the U.S. Department of Education, found the District in violation of P.L. 94-142 because the Public School's standards for determining eligibility for special education services were not used in other agencies.

YSA stopped testing delinquents at Cedar Knoll in May 1984 because that facility was scheduled to be closed. According to the YSA Administrator, no one at Oak Hill had been identifying delinquents as handicapped because Oak Hill had no diagnostician. In February 1985, a private contractor began providing educational diagnostic testing at Oak Hill. This is the only testing activity employed by YSA.

**GAO Public Schools' Monitoring
Not Adequate**

- State Plan requires public schools to monitor program effectiveness
 - Public schools' monitoring had not acknowledged need for improved identification and special education until 1985
 - Public schools do not monitor contracted residential facilities
-

Public Schools' Monitoring Not Adequate

P.L. 94-142 requires the Board of Education to ensure that handicapped juveniles have available to them a free appropriate public education which includes special education to meet their unique needs. In meeting this responsibility, the District's State Plan states that the Public Schools will evaluate, at least annually, the effectiveness of programs in meeting the educational needs of handicapped juveniles, including evaluation of IEPs. The Public Schools monitored YSA public facilities, but not contracted residential facilities where handicapped delinquents are placed.

The Public Schools monitored Cedar Knoll and Oak Hill in 1982, 1983, and 1985. The 1982 and 1983 monitoring reports indicated problems, such as incomplete IEPs. Although similar problems were noted in the May 6, 1985, report, more detail regarding handicapped delinquents not being identified and not receiving special education at these facilities was provided. This monitoring report also required more specific corrective actions for Oak Hill, but not Cedar Knoll because it is closing. For Oak Hill, the Public Schools have requested the Department of Human Services (DHS) to develop procedures and guidelines to ensure that all handicapped delinquents are identified and assessed to determine their need for special education and related services. Also DHS must submit to the Public Schools a plan to ensure the provision of a free and appropriate education program for all handicapped juveniles. The Public Schools did not monitor the Receiving Home for Children until 1985, after we informed them of the initiation of education programs at this facility as of April 1, 1985.

In our opinion, this lack of timely acknowledgement of these specific problems and appropriate action has contributed to handicapped delinquents receiving no special education at these facilities.

The Public Schools have not monitored contracted residential facilities where handicapped delinquents are placed. Therefore, no monitoring regarding P.L. 94-142 is taking place at these facilities. In our opinion, Public Schools monitoring at these facilities is important in order to provide Public Schools with knowledge of programs available, quality of programs, and proper enrollment of handicapped delinquents in these programs. In an attempt to resolve this issue, DHS and the Public Schools have developed draft "Procedures and Guidelines Regarding the Referral,

Placement, and Monitoring of Children and Youth in Residential Treatment Facilities," but as of August 21, 1985, these procedures were not adopted. If adopted and applied, this proposed approach for joint monitoring would address the current lack of monitoring at those contracted facilities where District handicapped delinquents are placed.

**GAO YSA Follow-up Services to
Delinquents Need Improvement**

- 214 of the projected 595 handicapped delinquents have been in YSA aftercare at some time
 - Reintegration of delinquents into community is not viewed as successful
 - Staff qualifications need improvement
-

YSA Follow-Up Services to Delinquents Need Improvement

Of our projected 595 handicapped delinquents, 214, or approximately 36 percent, have been in Aftercare at some time or another. A delinquent is in the Aftercare program after being released from Oak Hill, Cedar Knoll, or a contracted residential facility, but before the YSA commitment ends. Alternatively, a delinquent can be placed in immediate Aftercare by the Court.

Although the Aftercare program's objective is to reintegrate the delinquent into the community, several persons were of the opinion that this is not being successfully accomplished. One Superior Court Judge stated that Aftercare is "disgraceful," that a delinquent "just drops off" and receives no help or guidance from the Aftercare worker, and that the Judge has never known a delinquent in Aftercare to be placed in an appropriate educational program. Another Superior Court Judge stated that there is no formal planning for the post-release period when a delinquent is released from a YSA residential facility.

In addition, the Director of one contracted residential facility, who, in discussing follow-up of delinquents his school releases, told us that "residential treatment is the end of the line." The Director stated that upon release, delinquents are just "dropped . . . instead of being worked back into the [community]." For example, when a delinquent is released from a contracted residential facility, a release plan similar to a contract is prepared. However, this information is not routinely forwarded to the Public Schools, and is given to parents only if they request it.

Furthermore, a supervisor of Aftercare social workers told us that social workers do not enroll the delinquent back into school, unless they are requested to do so by the parents. However, they do check on the delinquent's attendance while in Aftercare status. In addition, they told us that they do not know which delinquents are handicapped and therefore cannot assist these individuals in receiving services.

YSA officials in charge of Aftercare told us that their staffs are not qualified as social workers. In their opinion, the staff should be required to have a Masters Degree in Social Work. However, only one worker in Aftercare has such a degree. Six workers have degrees other than Masters of Social Work, and seven have no college degree at all.

**GAO Improved Coordination and
Information Exchange Is Crucial**

- Single focal point necessary at each of the three D.C. entities
 - Information on juveniles must be exchanged
 - YSA tracking system under development
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Improved Coordination and Information Exchange is Crucial

There was no focal point for coordination and information exchange among the Public Schools, the Courts, and YSA. In addition, these entities do not have an interagency delinquent tracking system. This lack of coordination, which has been identified as a problem as far back as 1966, in a report by the President's Commission on Crime in the District of Columbia, affects the appropriate identification, placement and education of District handicapped delinquents.

YSA, Court, and Public School officials stated that formal coordination and informal communication among the three entities is not adequate. YSA and Court officials do not know whom to contact at the schools for information. Public School officials say they do not receive information from YSA and are not routinely notified by the Court in a timely manner if a juvenile is arrested. This lack of notification has sometimes resulted in the Public Schools marking delinquents as truant and not recognizing their attendance in classes at other facilities.

Due to this lack of coordination, test results and IEPs are not transferred as a juvenile moves from the Public Schools to the Court, to YSA, and back to the Public Schools. As a result, psychological or educational testing conducted by one entity may never be communicated to the other two. For example, the Court did not have test results from the Public Schools for approximately 79 percent of the delinquents we tracked; YSA did not have test results from the Public Schools for approximately 81 percent; and the Public Schools did not have test results from the Court for approximately 82 percent. In addition, IEPs are not consistently transferred from one entity to another. For example:

- a 15-year-old delinquent found guilty on a narcotics charge was placed in immediate Aftercare and later at Oak Hill. The Public Schools file contained an IEP for this delinquent, however, the Oak Hill file did not contain this IEP. As a result, Oak Hill did not know what services were required to meet this handicapped delinquent's unique needs.

We also found that handicapped delinquents are not systematically tracked as they flow through the District system. In fact, none of the three entities could provide a complete list of all D.C. handicapped delinquents. For example, the Courts could state who

was a delinquent, but they did not know who was handicapped, the Public Schools did not know who was a handicapped delinquent, and YSA did not know all those delinquents in its custody who were handicapped. YSA is developing a computer tracking system only for detained and committed juveniles in its custody. Although the development of YSA's system is a step in the right direction, this new system will not track delinquents through the District system because all three entities are not involved.

GAO Conclusions

- D.C. is not meeting its commitments under P.L. 94-142
 - Systemic problems need to be addressed
 - Inaction will result in continued denial of special education
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Conclusions

Under P.L. 94-142, assistance to states is conditioned on assurances that all handicapped juveniles, including delinquents, will be identified and receive services to meet their unique needs. The District is not meeting its commitments under P.L. 94-142 as it relates to handicapped delinquents. All handicapped delinquents are not being identified as such, are not having IEPs written for them, and are not receiving the special education services they have been identified as needing, and are entitled to, under the law.

We recognize that many problems exist in identifying and educating delinquents, and that solving these problems will not be an easy or short-term endeavor. The District can, however, begin to take steps to improve coordination, information exchange, program monitoring, uniformity of standards, and accountability.

As stated earlier, implementation of P.L. 94-142 is the responsibility of the Board of Education, as the State Educational Agency (SEA) in the District. To ensure compliance, the Board must work effectively with YSA and the Court. In the past, the success of these independent entities at working together has been minimal. Unless a workable system is developed to identify and educate handicapped delinquents, new programs will have little chance to succeed, and special education for handicapped delinquents will not be available to all those entitled to it.

GAO Recommendations
Board of Education

Assessment/Placement	Meet 60 day time limit
Testing/IEPs	Perform for all YSA juveniles
Services	Ensure handicapped receive special education, provide services YSA cannot
Monitoring	Conduct at YSA facilities
Coordination	Designate liaison, exchange information

RECOMMENDATIONS

The Board of Education should direct the Superintendent of the D.C. Public Schools to:

- Work toward reducing the time necessary for assessment, IEP development, and placement of handicapped delinquents with the goal of ultimately adhering to the "Mills" decree's 60-day requirement. As a first step, the Superintendent should emphasize to all staff the need for timely referral for testing and assessment of all juveniles for whom the need for such services is indicated.
- Test YSA delinquents with suspected handicapping conditions and develop IEPs. In addition, the Superintendent should assure, through monitoring, that YSA and the Public Schools are referring all juveniles for testing who need to be tested and that the Public Schools are developing complete IEPs.
- Monitor handicapped delinquents in the custody of YSA to ensure they receive at least the same services to which handicapped juveniles in the Public School system are entitled. Also, to ensure that appropriate contracted residential facilities are selected as placements for handicapped delinquents, the Public Schools should ascertain what programs are available at residential facilities with which the District contracts, notify the Court of the type of delinquent each facility is capable of serving, and periodically ascertain whether the programs have changed.
- Monitor YSA's contracted residential facilities for compliance with P.L. 94-142. In addition, the D.C. Public Schools should monitor the educational program quality at these facilities as well as at YSA's public residential facilities. This monitoring effort should assure that required services in IEPs are being provided by these facilities.
- Designate a Public School liaison to coordinate and exchange records such as IEPs, test results, and educational histories, with YSA and the Court.
- Develop written procedures and establish specific criteria for forwarding information to YSA and the Court, regarding Court or YSA detained juveniles.

* Provide, where YSA cannot, educational and related services which are included in a handicapped delinquent's IEP.

GAO Recommendations
Mayor of the District of Columbia

Testing/IEPs	Transfer to public schools
Services	Provide services required by IEP Notify public schools if can't provide Establish special education programs
Coordination	Designate liaison, exchange information
Standards	Follow all public schools standards
Follow-up Services	Evaluate/correct problems

The Mayor of the District of Columbia should direct the Department of Human Services' Youth Services Administration to:

- Transfer to the Public Schools the responsibility for testing suspected handicapped delinquents and preparing all necessary IEPs.
- Designate a YSA liaison responsible for notifying the Public Schools that YSA is releasing a delinquent, who will be returning to school. This liaison should also coordinate and exchange records such as IEPs, test results, and educational histories, with the Public Schools and the Court.
- Develop written procedures and establish specific criteria for forwarding information to the Court and the Public Schools, once notified by the Court that a juvenile is being detained, or has re-entered the school system.
- Emphasize the need to follow D.C. Public School policies, procedures, and standards for special education, including standards for teacher certification and class size.
- Provide all educational and related services which are required by a delinquent's IEP, and notify the Public Schools of the required services that YSA cannot provide.
- Establish a special education program for handicapped delinquents at Oak Hill, Cedar Knoll and the Receiving Home for Children, and form classes based on academic level.
- Evaluate follow-up services provided to delinquents after release from YSA custody and correct any administrative, management, and procedural problems identified.

GAO Recommendation
D.C. Superior Court

Coordination	Designate liaison Exchange information
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The D.C. Superior Court should:

- Designate a Court liaison responsible for notifying the Public Schools that the Court is detaining a juvenile, who, therefore, cannot attend regular school classes. This liaison should also coordinate and exchange records such as test results, and educational or family histories, with the Public Schools and YSA.
- Develop written procedures and establish criteria for the Court liaison to forward to YSA and the Public Schools, as appropriate, information available regarding a delinquent, once an individual is placed in YSA's custody or has re-entered the school system.

GAO Recommendation
U.S. Department of Education

P.L. 94-142	Provide oversight and assistance
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The Secretary of the U.S. Department of Education,
should:

- * Provide the necessary oversight and assistance
to bring the District into compliance with P.L.
94-142 as it relates to handicapped delinquents.

SCOPE AND METHODOLOGY

Our findings and conclusions are based on work at the D.C. Superior Court (Court), the Department of Human Services, Youth Services Administration (YSA), the D.C. Public Schools (Public Schools), and private residential facilities under contract with the District. We also interviewed officials at the U.S. Department of Education as well as representatives of advocacy groups and local jurisdictions surrounding the District of Columbia. In addition, we reviewed federal legislation and regulations and District of Columbia policies related to the identification, placement, and education of District of Columbia delinquents. Our fieldwork was done between August 1984 and August 1985.

The review included delinquents who received a consent decree or were adjudicated by the Court in calendar year 1983, the most recent year for which complete data were available. According to Court records, this involved 1,509 cases, representing 1,287 delinquents.

Using a standardized data collection instrument (DCI), we collected data from case files available at the Public Schools, YSA, and the Court. Our goal was to review the case files of all "handicapped" delinquents and a random sample of the remaining case files. No one agency, however, was able to specify who in our universe was handicapped. We, therefore, had to construct our own "list." To do this, we reviewed school year 1982-83 Public School records of juveniles identified as handicapped and submitted to the U.S. Department of Education. Additionally, from YSA sources, we identified those delinquents in our universe who had an Individualized Education Program (IEP) prepared at one time or another during the 1980-84 period, thus indicating that the delinquent had been identified handicapped at one time. Finally, using criteria provided by YSA, we determined who in our universe had been assigned to private residential facilities as of December 13, 1984 and were handicapped. From this process, we determined that 173 delinquents in our universe could be identified as handicapped for purposes of P.L. 94-142.

Of the remaining delinquents in our universe, we used statistical sampling techniques to randomly select a sample for detailed case file review. We

selected our sample using a statistical formula that considered the size of the universe, a 95 percent confidence level, and a 5 percent sampling error. Based on this formula, we selected a sample of 285 to give us the desired degree of confidence with 5 percent precision.

From the Courts, Public Schools, and YSA we were able to obtain at least one file for all 173 delinquents identified as handicapped in our universe. For three delinquents in our sample population of 285 delinquents, however, we were not able to obtain case files at any location. Furthermore, we were not successful in obtaining all the files requested for either the handicapped or non-handicapped samples. Table I.1 summarizes the number of files reviewed at each location.

Table I.1
Case Files Reviewed
by GAO at Each Agency

	Court	YSA	Public Schools	At least One location	Desired Sample
Handicapped	166	79	162	173	173
Non-handicapped	265	61	230	281	285
Total	431	140	392	454	458

SAMPLING ERRORS

Because only a portion of the universe has been selected for analysis, each estimate developed from a sample has a measurable precision, or sampling error. The particular sample we selected from the non-handicapped population is only one of a large number of samples of equal size and design which could have been selected. Each of these samples would produce a different value for most characteristics being estimated. An estimate's sampling error measures the variability among the estimates obtained from all the possible samples. It is, thus, a measure of the precision or reliability with which an estimate from a particular sample approximates the results of a complete census. From the sample estimate, together with an estimate of its sampling error, interval estimates can be constructed with prescribed confidence that the interval includes the average result of all possible samples.

For example, we found that 108, or 38.4 percent, of the delinquents in our sample had identified handicaps as a result of testing but there was no evidence that they had been acknowledged as such for purposes of P.L. 94-142. Our sampling procedure was designed so that we had a 95-percent chance of producing a set of limits that encloses the true percentage of unidentified delinquents. Our goal was to arrive at a set of limits that would be within 5 percent of our sample estimate. Using a sampling error formula with a 95-percent confidence level, we found that the percentage of unidentified delinquents had an actual sample error of 4.9 percent. Thus, although we do not know if the true percentage of unidentified delinquents actually falls within the limits computed (38.4 percent plus or minus 4.9 percent), we may state that there was a 95 percent chance that our sample is one whose limits will include the true percentage. By applying the percentages to the universe, we can "project" or estimate that 422 delinquents had handicaps that were not acknowledged according to P.L. 94-142 requirements. The 95-percent confidence limits would be approximately 368 to 476. There is a 95-percent chance that these limits will include the true number of unidentified delinquents.

Upper and lower limits for all estimates are presented in Table I.2. Some of our projections take into consideration our handicapped population and, since this was a 100 percent sample, our confidence interval will actually be smaller than the plus or minus 5 percent goal we set out to achieve. By the same token, some of our estimates are based on subpopulations of our sample and, thus, may have sample errors slightly larger than our 5 percent goal.

Table I.2

Confidence Limits For Universe Estimates

Description	Universe Estimate	Confidence Interval (95 percent)	
		Lower Limit	Upper Limit
Handicapped delinquents in the total universe	595	541	649
Handicapped delinquents not acknowledged as such	422	368	476
Handicapped delinquents with IEPs	223	194	252
Handicapped delinquents without IEPs	372	321	423
Handicapped delinquents placed at Oak Hill	182	148	216
Handicapped delinquents placed at Cedar Knoll	286	244	328
Handicapped delinquents who have been in YSA aftercare	214	177	251
Percent IEPs not meeting all P.L. 94-142 requirements	73	61	86
Percent IEPs missing required signatures	59	48	70
Percent IEPs missing both educational and procedural requirements	14	9	17
Percent IEPs missing educational requirements	28	22	35